



**Office of the Clerk**  
**UNITED STATES COURT of APPEALS for the NINTH**  
**CIRCUIT**  
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*Effective January 1, 2000*

<i>Circuit Rule</i>	<i>TITLE</i>	<i>COMMENT</i>
C.R. 6-2	<b>Petition For Writ of Certiorari to Review Final Decisions of the Supreme Court of Guam</b>	The Court <i>approved</i> amendments to Circuit Rule 6-2 to reduce the time from 40 to 21 days to file a petition for writ of certiorari to review final decisions of the Supreme Court of Guam and to make it clear the form of the petition is governed by FRAP 32 and Ninth Circuit Rule 32.

CIRCUIT RULE 6-2

PETITION FOR WRIT OF CERTIORARI TO REVIEW  
FINAL DECISIONS OF THE SUPREME COURT OF GUAM

(a) Petition of Writ of Certiorari.

- (1) A review of final decisions of the Supreme Court of Guam may be sought pursuant to 48 U.S.C. § 1424-2 by filing a petition for a writ of certiorari with the Clerk of the Court of Appeals within **21** days from the entry of the final decision of the Supreme Court of Guam in both civil and criminal cases. Petitioner shall pay \$100.00 docketing fees to the Clerk of Court of Appeals. Petitioner shall serve one copy of the petition for a writ of certiorari on each of the parties to the proceedings in the Supreme Court of Guam.
- (2) A cross-petition for a writ of certiorari may be filed within 21 days after the first petition was filed.
- (3) If a timely petition for rehearing of the final decision of the Supreme Court of Guam is filed pursuant to the Rules of the Appellate Procedure of the Supreme Court of Guam, the time for filing the petition for a writ of certiorari shall run from the entry of the order denying the petition.

(b) Content of Petition.

The petition for a writ of certiorari shall contain, in the order indicated:

- (1) A table of contents and a table of authorities;
- (2) A statement of the basis of jurisdiction of this Court, showing the date on which the judgment sought to be reviewed was entered, the date of any order respecting rehearing, and, in the case of a cross-petition for a writ of certiorari, the date of filing the petition for a writ of certiorari with which the cross-

petition is filed;

- (3) Question(s) presented for review, expressed concisely in relation to the circumstances of the case;
- (4) A statement of the case summarizing the proceeding and the opinion of the Supreme Court of Guam, and setting out the facts material to the consideration of the question(s) presented;
- (5) An argument amplifying the reasons relied upon for allowance of the writ;
- (6) A short conclusion;
- (7) An appendix, containing the final decision of the Supreme Court of Guam; any other opinions, orders, findings of fact, and conclusion of law entered by the Supreme Court of Guam; statutes, rules, and regulations involved; and a list of all parties to the proceedings in the Supreme Court of Guam.

(c) Response

Within 21 days after service of the petition for a writ of certiorari, an adversary party may file a response. All parties to the proceedings in the Supreme Court of Guam are deemed parties entitled to file a response in the Court of Appeals, unless the petitioner notifies the Clerk of the Court of appeals in writing of the petitioner's belief that one or more of the parties in the Supreme Court of Guam have no interest in the outcome of the petition. No further memorandum may be filed, except with leave of court.

(d) Format and Length

- (1) The typeface, page size, margins, line space, and text style of a petition for a writ of certiorari and response(s) to the petition must be in compliance with **Fed.R.App.P. 32 and 9th Cir. 32-1**.
- (2)
  - (i) A proportionately spaced petition for a writ of certiorari and response must not exceed 5,600 words, and may not have an average of more than 280 words per page, including footnotes and quotations. **See 9th Cir.R. 32-3.**
  - (ii) A petition for a writ of certiorari and the response to the petition must be accompanied by a certification of compliance which states that the petition or the response conforms to the format noted at (d)(1) and word count noted at (d)(2)(i) or (d)(2)(ii).
  - (iii) **The petition for a writ of certiorari and the response to the petition must be accompanied by a certification of compliance pursuant to 9th Cir.R. 32-1.**
- (3) The word count and page limits under subparagraph (2)(i) and (2)(ii) do not include the table of contents, table of authorities, and appendix.
- (4) The petition for a writ of certiorari and response(s) must be bound in any manner that is secure, does not obscure the text, and permits the document to lie reasonably flat when open. The cover of a petition for a writ of certiorari should be white; that of the response(s), cream.

(e) Copies

Parties shall file an original and four (4) copies of the petition for a writ of certiorari, response(s) to the petition, and any supporting papers and appendices.

(f) Disposition of the Petition

The petition any response(s) shall be referred to a motions panel for disposition. If a petition for a writ of certiorari is granted, the case will be scheduled for briefing and oral argument, if necessary.

(g) The Record on Review

The record on review shall consist of the record presented to the Supreme court of Guam, and a certified copy of the docket entries prepared by the Clerk of the Supreme Court of Guam.

(h) The Certificate of Record

When the record is completed, the Clerk of the Supreme Court of Guam shall file a certificate of record with the Clerk of the Court of Appeals. The certificate shall attest that all documents which comprise the record on appeal are available for the parties in the office of the Clerk of the Supreme Court of Superior Court of Guam. The filing of the certificate of record with the Court of Appeals shall indicate that the Court of Appeals considers the record filed. (eff. 7/1/98)

**PURPOSE OF AMENDMENT:**

**To resolve potential conflict between Ninth Circuit Rule 6-2 and Rule 28(c) of the Supreme Court of Guam's Rules of Appellate Procedure. While our current rule gives the parties in any case forty (40) days from judgement to petition this court for certiorari, the Supreme Court of Guam's rules dictates that its mandate will issue within twenty-one (21) days of judgment in criminal cases or forty-one (41) days in civil cases, unless a timely petition for certiorari has actually been filed.**

**Other amendments make it clear that the form of the petition is governed by FRAP 32 and Ninth Circuit Rule 32.**